

12.
Court
No.28

10.07.2024

(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 1919 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Kotshila Police Station Case No.154 of 2022** dated **09.11.2022** under Section **302** of the Indian Penal Code and.
And

In the matter of: - **Pratham Gorait**

...petitioner.

Mr. Sourav Chatterjee, Ld. Sr. Adv.,
Mr. Pawan Kr. Gupta, Adv.,
Mr. Sougata Mitra, Adv.,
Mr. Rameshwar Sinha, Adv.,
Ms. Sofia Nesar, Adv.,
Mr. Santanu Sett, Adv.,
Mr. Nikhil Kr. Gupta, Adv.,
Ms. Soma Chakraborty, Adv.

...for the petitioner.

Mr. Debasish Roy, Ld. PP,
Mr. Bibaswan Bhattacharyya, Adv.,
Mr. Debanshu Ghorai, Adv.

...for the State.

Supplementary affidavit filed by the petitioner, bringing on record the depositions of 18 witnesses who have been examined so far, be kept with the records.

We have perused the evidence of 18 out of 21 witnesses who have been examined till now. The vital witnesses have turned hostile. As of now, there is nothing in the evidence on the basis of which the petitioner may suffer conviction. The petitioner is in custody for eight months. He prays for bail.

Learned Advocate for the State opposes the prayer for bail. He says that the trial is approaching conclusion very fast.

Some time-period may be indicated within which the trial may be concluded.

We would have acceded to the request of learned Advocate for the State had we found anything at all in the evidence so far recorded which incriminates the petitioner. However, that is not the case. Each day's incarceration is an infringement of the fundamental right of a citizen to personal liberty.

Therefore, for the reasons indicated above, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner, namely, **Pratham Gorait** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Purulia, subject to condition that –

1. The petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
2. The petitioner shall furnish the present address where he will be residing to the Officer-in-charge of Kotshila Police Station, Purulia, immediately after being released on bail and shall also meet the Officer-in-Charge of Kotshila Police station, Purulia, once in every week until further orders.

In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail being CRM (DB) 1919 of 2024 is accordingly disposed of.

Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)